

Steven G. Zieff (SBN 84222)
David A. Lowe (SBN 178811)
Kenneth J. Sugarman (SBN 195059)
John T. Mullan (SBN 221149)
RUDY, EXELROD & ZIEFF, LLP
351 California Street, Suite 700
San Francisco, CA 94104
Telephone: (415) 434-9800
Facsimile: (415) 434 0513
sgz@rezlaw.com
dal@rezlaw.com
kjs@rezlaw.com
jtm@rezlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

PAUL ENGEL, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

EMD SERONO, INC.

Defendant.

Case No. CV 07-00117-CW

REPLY DECLARATION OF JOHN T. MULLAN IN SUPPORT OF PLAINTIFFS' MOTION FOR ORDER: (1) FINALLY APPROVING CLASS ACTION SETTLEMENT AND PLAN OF DISTRIBUTION; (2) ENTERING FINAL JUDGMENT; (3) APPROVING SERVICE PAYMENT TO NAMED PLAINTIFF PAUL ENGEL; (4) APPROVING THE PAYMENT OF REASONABLE COSTS OF ADMINISTRATION; AND (5) RESERVING JURISDICTION; AND IN SUPPORT OF CLASS COUNSEL'S MOTION FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF COSTS AND EXPENSES

Hearing Date: May 8, 2008
Hearing Time: 2:00 p.m.
Court: Courtroom 2, 4th Floor
Judge: Hon. Claudia Wilken

DECLARATION OF JOHN T. MULLAN IN
SUPPORT OF MOTIONS FOR FINAL
APPROVAL AND ATTORNEYS' FEES

CASE NO. CV 07-00117-CW

1 I, John T. Mullan hereby declare that:

2 1. I am a member in good standing of the State Bar of California and an attorney at
3 Rudy, Exelrod & Zieff, LLP, co-counsel for Plaintiffs herein. I make this declaration of personal
4 knowledge and if called as a witness could and would testify competently to the facts stated
5 herein.

6 2. This Reply Declaration is submitted in support of Plaintiffs' Motion For Order: (1)
7 Finally Approving Class Action Settlement And Plan Of Distribution; (2) Entering Final
8 Judgment; (3) Approving Service Payments To Named Plaintiff; (4) Approving the Payment Of
9 Reasonable Costs of Administration; and (5) Reserving Jurisdiction; and in support of Plaintiffs'
10 Motion for Award of Attorneys' Fees and Reimbursement of Costs and Expenses.

11 3. Putative class members had until March 10, 2008 to opt-out of this action, and
12 class members had until April 23, 2008 to file objections to the proposed settlement. As of the
13 date of this declaration, Class Counsel has received no objections to the settlement agreement ---
14 including any objections to Class Counsel's request for attorneys' fees or reimbursement of costs
15 and expenses --- and no-one has opted out of the settlement.

16 I declare, under penalty of perjury, under the laws of the State of California that the
17 foregoing is true and correct. Executed this 24th day of April, 2008 at San Francisco, California.
18

19
20 /s/ John T. Mullan
JOHN T. MULLAN